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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,070	09/28/2001	Russell Pond	NC25614 (NOKI15-25614)	4895
30973	7590	03/06/2006	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			EKONG, EMEM	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,070

Applicant(s)

POND, RUSSELL

Examiner

EMEM EKONG

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/22/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10, 11-14, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S Patent No. 6891811 B1 to Smith et al. (Smith)..

Regarding claim 10, Smith discloses a method of enabling the transmission of an SVMS message from an originating station to a target station through a wireless telecommunication network (see figures 6-8, and pars. col. 1 line 50-col. 2 line 32),

said method comprising the steps of: receiving an SVMS message in packet-data format in an SVMS server; storing the SVMS message in a data storage device in communication with the SVMS server (col. 2 lines 18-32, 64-67);

determining a transmission path to the target station for delivering the SVMS message; and transmitting the SVMS message (col. 3 lines 40-65).

Regarding claims 11-14, Smith discloses the method of claim 10, further comprising the step of verifying delivery of the SVMS message to the target station; and further comprising the step of sending a delivery confirmation notice to the originating station, upon verifying delivery (col. 3 lines 59-65);

further comprising the step of determining if the target station is SVMS capable (col. 3 line 66-col. 4 line 14);

wherein the step of transmitting comprises transmitting the SVMS message to the target station upon determining that the target station is SVMS capable (col. 4 line 15-35).

Regarding claims 17 and 18, Smith discloses the method of claim 10, wherein the SVMS message is received from an SVMS portal; and wherein the SVMS portal is a World Wide Web site accessible by subscribers to direct that an SVMS message be generated upon the occurrence of a certain event (see figure 2, and col. 6 line 46-col. 7 line 41).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. US 2002/0059388 A1 to Thompson et al. (Thompson) in view of Smith.

Regarding claims 1, Thompson discloses a system for transmitting short voice message service messages to an intended recipient through a radio communication network, said system comprising (abstract, pars. 3-5, network shown in figure 1 for email message service):

a first communication station, comprising: a packet-data generator for converting an SVMS message into a packet-data format for transmission (pars. 16-19, 22-23, and 44, i.e. email application 202, and interface 206);

and a storage device for electronically storing the SVMS message until it can be transmitted to an SVMS-MSC (see figure 1, pars. 24, and 26, wireless device stores email message until appropriate time for sending to wireless ASP server computer); and

an SVMS-MSC for receiving the packetized SVMS message and storing it until it can be transmitted to the intended recipient (pars. 26, 29-33, and 35-39, ASP server).

However, Thompson fails to specifically disclose short voice message service.

Smith discloses short voice message service (col. 2 lines 18-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Thompson such that the short voice message service operable as shown above for the purpose of SVMS delivery.

7. Claims 1, 4-6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Thompson.

Regarding claims 1, Smith discloses a system for transmitting short voice message service messages to an intended recipient through a radio communication network, said system comprising (see figures 6-8, and col. 2 lines 18-67):

a first communication station, comprising: a storage device for electronically storing the SVMS message until it can be transmitted to an SVMS-MSC (col. 2 lines 18-32, and 64-67); and

an SVMS-MSC for receiving the packetized SVMS message and storing it until it can be transmitted to the intended recipient (col. 2 lines 64-67).

However, Smith fails to specifically disclose a first communication station, comprising: a packet-data generator for converting an SVMS message into a packet-data format for transmission.

Thompson discloses a first communication station, comprising: a packet-data generator for converting an SVMS message into a packet-data format for transmission (pars. 16-19, 22-23, and 44, i.e. email application 202, and interface 206).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith, and have a first communication station, comprising: a packet-data generator for converting an SVMS message into a packet-data format for transmission as disclosed by Thompson for the purpose converting or translating to appropriate protocol to enhance communication (par. 44).

Regarding claim 4-6, 8, and 9, the combination of Smith and Thompson discloses the system of claim 1, wherein the intended recipient is a mobile telephone, and said system further comprises a home location register for storing information regarding the mobile telephone (Smith, col. 2 lines 49-67);

wherein the SVMS-server queries the HLR to determine if the mobile telephone is SVMS capable and the location of the mobile telephone (Smith, col. 2 lines 49-63, and col. 3 lines 40-61);

wherein the SVMS-server, upon receiving a response from the HLR indicating that the mobile telephone is not SVMS capable, delivers the SVMS message by an alternate delivery method (Smith, col. 3 line 66-col. 4 line 2);

wherein the first communication station is connectable to the Internet such that the SVMS message may be transmitted to the SVMS-MSC through the Internet (Thompson, see figure 1).

8. Claims 2, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Thompson, and further in view of U. S. Publication No. 2005/0153729 A1 to Logan et al..

Regarding claims 2 and 3, the combination of and discloses the system of claim 1, however the combination fails to disclose further comprising a microphone in the first communication station for receiving an audio input, converting it into electronic signals, and providing the electronic signals to the packet-data generator;

further comprising a text to speech (TTS) converter in communication with the first communication station for converting a text file into digital audio form and providing the digital audio signal to the packet-data generator.

Logan et al. disclose further comprising a microphone in the first communication station for receiving an audio input, converting it into electronic signals, and providing the electronic signals to the packet-data generator;

further comprising a text to speech (TTS) converter in communication with the first communication station for converting a text file into digital audio form and providing the digital audio signal to the packet-data generator (see figure 1, pars. 17, 31-32, 37, and 58, microphone receives sound, digitizes and sends it to the converter).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination and have the microphone in the first communication station for receiving an audio input, converting it into electronic signals, and providing the electronic signals to the packet-data generator; and further comprising a text to speech (TTS) converter in communication with the first communication station for converting a text file into digital audio form and providing the digital audio signal to the packet-data generator as disclosed by Logan et al. for the purpose of transmission.

Regarding claim 7, the combination of Smith and Thompson discloses the system of claim 5, further comprising a voice-mail server in communication with the SVMS-MSC and accessible to the subscriber (col. 3 line 66-col. 4 line 2).

However the combination fails to disclose wherein the alternate delivery method includes storing the SVMS message as a voice-mail message on the voice-mail server.

Logan et al. discloses wherein the alternate delivery method includes storing the SVMS message as a voice-mail message on the voice-mail server (pars. 38, and 70). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination and have the alternate delivery method include storing the SVMS message as a voice-mail message on the voice-mail server as disclosed by Logan et al. for the purpose of providing an alternative delivery for voice mail messages in the absent of recipient.

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9. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of U.S. Patent No. 4932042 to Baral et al..

Regarding claims 15 and 16, Smith discloses the method of claim 13, however fails to specifically disclose the step of transmitting comprising transmitting the SVMS message to a voice-mail server for storage; and further comprising the step of sending to the target station a notification that the SVMS message was transmitted to a voice-mail server.

Baral et al. discloses transmitting the SVMS message to a voice-mail server for storage; and further sending to the target station a notification that the SVMS message was transmitted to a voice-mail server (col. 3 lines 41-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith and have the SVMS transmit the message to a voice-mail server for storage; and further sending to the target station a notification that the SVMS message was transmitted to a voice-mail server as disclosed by Baral et al. for the purpose of storing message for a later delivery when recipient is busy.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to mobile device:


U.S. Patent. No. 6917917 B1 to Kim

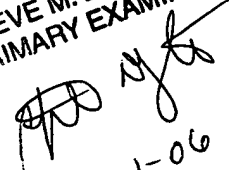
U.S. Publication No 2002/0077131 A1 to Mizell et al..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EOE
2/27/06

STEVE M. D'AGOSTA
PRIMARY EXAMINER

3-1-06